

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

C.M.F., et al.,

Plaintiffs,

v.

TEMPLE UNIVERSITY HEALTH
SYSTEM, et al.,

Defendants.

CIVIL ACTION
NO. 25-1912

ORDER

AND NOW, this 12th day of May 2025, upon consideration of the United States’ Motions to Dismiss the Individual Defendants and Substitute the United States as sole federal defendant (Doc. Nos. 9, 11), it is **ORDERED** that the Motions (Doc. Nos. 9, 11) are **GRANTED**. Defendants Clinton A. Turner, M.D., and Nishanth Sidduri, M.D., are dismissed and the United States of America is substituted as the sole federal defendant. It is further **ORDERED** that the Clerk of Court shall amend the caption to reflect that Clinton A. Turner, M.D., and Nishanth Sidduri, M.D., are no longer Defendants and that the United States of America is a Defendant.¹

¹ On October 31, 2024, Plaintiff C.M.F. (“Plaintiff”) filed a Complaint against Defendant Temple University Hospital (“Temple”) in the Philadelphia Court of Common Pleas. (See Doc. No. 1 at 1.) The Complaint alleges negligence claims against Temple. (See Doc. No. 1-1.) On December 4, 2024, Temple filed a Joinder Complaint directed at additional defendants Clinton A. Turner, M.D., and Nishanth Sidduri, M.D., federal employees of the Public Health Service. (See id.) In the Joinder Complaint, Temple alleges that Dr. Turner and Dr. Sidduri are either solely liable or jointly and severally liable to Plaintiff on the negligence claims. (See id. at 10.) On April 15, 2025, Defendants removed the case to this Court. (See generally id.)

On April 18, 2025, the United States filed a Motion to Dismiss the individual defendants, Dr. Turner and Dr. Sidduri, and substitute the United States as the sole federal defendant. (Doc. No. 9.) And on April 25, 2025, the United States refiled the Motion, adding a declaration. (Doc. No. 11.) Pursuant to Eastern District of Pennsylvania Local Rule 7.1(c), Plaintiff had two weeks

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.

from the date the Motions were filed to file a response in opposition. Plaintiff, however, did not file a response to the Motions within this two-week period, leaving the Motions unopposed.

Accordingly, because the Motions are unopposed and because the United States is the appropriate defendant under 42 U.S.C. § 233, the United States' Motions to Dismiss the Individual Defendants and Substitute the United States as Sole Federal Defendant (Doc. Nos. 9, 11) will be granted. See 42 U.S.C. § 233(a) ("The remedy against the United States provided by [the Federal Tort Claims Act], for damage for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions . . . by any commissioned officer or employee of the Public Health Service while acting within the scope of his office or employment, shall be exclusive of any other civil action or proceeding by reason of the same subject-matter against the officer or employee (or his estate) whose act or omission gave rise to the claim.")